

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED PARCEL SERVICE, INC.,

Plaintiff,

- against -

LEXINGTON INSURANCE COMPANY,

Defendant.

Case No.: 12-cv-07961 (SAS)

ECF Case

DECLARATION OF
STEPHEN P. MCLAUGHLIN

STEPHEN P. MCLAUGHLIN, pursuant to 28 U.S.C. § 1746, hereby declares the following under penalty of perjury:

1. I am a member of the law firm Ansa Assuncao, LLP, attorneys for Plaintiff United Parcel Service, Inc. (“UPS”) in the above-captioned matter and am fully familiar with the facts and circumstances herein.

2. I submit this declaration in support of UPS’s motion for attorneys’ fees and litigation expenses incurred in defending *Chase v. United Parcel Service, Inc.*, Index No. 7445/10 (Supreme Ct. Kings County) (the “Underlying Action”), plus interest and attorneys fees and costs of this motion.

3. Attached hereto as Exhibit A is a true and correct copy of the Court’s Opinion and Order, dated October 16, 2013.

4. Attached hereto as Exhibit B is a true and correct copy of the letter, dated November 18, 2009, from Liberty Mutual Insurance Company to Adelis International Security, Inc.

5. Attached hereto as Exhibit C is a true and correct copy of the letter, dated December 3, 2009, from Defendant Lexington Insurance Company (“Lexington”) to Liberty Mutual Insurance Company.

6. Attached hereto as Exhibit D is a true and correct copy of Marilyn Chase's Verified Complaint, dated March 23, 2010, in the Underlying Action.

7. Attached hereto as Exhibit E is a true and correct copy of UPS's Verified Answer, dated May 18, 2010, in the Underlying Action.

8. Attached hereto as Exhibit F is a true and correct copy of the relevant portions of the transcript from the deposition of Marilyn Chase, taken on February 8, 2012.

9. Attached hereto as Exhibit G is a true and correct copy of the letter, dated June 2012, from Steven Orlowski, Esq. to Lexington (without the enclosures).

WHEREFORE, it is respectfully requested that this Court grant UPS's motion in its entirety along with such other, further and different relief as is deemed just and proper.

Dated: White Plains, New York
November 7, 2013

s/Stephen P. McLaughlin
STEPHEN P. MCLAUGHLIN